

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee
3 Representative Fresen offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:
7 Section 1. This act may be cited as the "Florida Safe Harbor
8 Act."

9 Section 2. Subsections (4) through (12) of section 39.001,
10 Florida Statutes, are renumbered as subsections (5) through
11 (13), respectively, paragraph (c) of present subsection (7) and
12 paragraph (b) of present subsection (9) are amended, and a new
13 subsection (4) is added to that section, to read:

14 39.001 Purposes and intent; personnel standards and
15 screening.—

16 (4) SEXUAL EXPLOITATION SERVICES.—

17 (a) The Legislature recognizes that child sexual
18 exploitation is a serious problem nationwide and in this state.
19 The children at greatest risk of being sexually exploited are

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20 runaways and throwaways. Many of these children have a history
21 of abuse and neglect. The vulnerability of these children starts
22 with isolation from family and friends. Traffickers maintain
23 control of child victims through psychological manipulation,
24 force, drug addiction, or the exploitation of economic,
25 physical, or emotional vulnerability. Children exploited through
26 the sex trade often find it difficult to trust adults because of
27 their abusive experiences. These children make up a population
28 that is difficult to serve and even more difficult to
29 rehabilitate.

30 (b) The Legislature establishes the following goals for
31 the state related to the status and treatment of sexually
32 exploited children in the dependency process:

33 1. To ensure the safety of children.

34 2. To provide for the treatment of such children as
35 dependent children rather than as delinquents.

36 3. To sever the bond between exploited children and
37 traffickers and to reunite these children with their families or
38 provide them with appropriate guardians.

39 4. To enable such children to be willing and reliable
40 witnesses in the prosecution of traffickers.

41 (c) The Legislature finds that sexually exploited children
42 need special care and services in the dependency process,
43 including counseling, health care, substance abuse treatment,
44 educational opportunities, and a safe environment secure from
45 traffickers.

46 (d) The Legislature further finds that sexually exploited
47 children need the special care and services described in

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48 paragraph (c) independent of their citizenship, residency,
49 alien, or immigrant status. It is the intent of the Legislature
50 that this state provide such care and services to all sexually
51 exploited children in this state who are not otherwise receiving
52 comparable services, such as those under the federal Trafficking
53 Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

54 (8) ~~(7)~~ OFFICE OF ADOPTION AND CHILD PROTECTION.-

55 (c) The office is authorized and directed to:

56 1. Oversee the preparation and implementation of the state
57 plan established under subsection (9) ~~(8)~~ and revise and update
58 the state plan as necessary.

59 2. Provide for or make available continuing professional
60 education and training in the prevention of child abuse and
61 neglect.

62 3. Work to secure funding in the form of appropriations,
63 gifts, and grants from the state, the Federal Government, and
64 other public and private sources in order to ensure that
65 sufficient funds are available for the promotion of adoption,
66 support of adoptive families, and child abuse prevention
67 efforts.

68 4. Make recommendations pertaining to agreements or
69 contracts for the establishment and development of:

70 a. Programs and services for the promotion of adoption,
71 support of adoptive families, and prevention of child abuse and
72 neglect.

73 b. Training programs for the prevention of child abuse and
74 neglect.

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75 c. Multidisciplinary and discipline-specific training
76 programs for professionals with responsibilities affecting
77 children, young adults, and families.

78 d. Efforts to promote adoption.

79 e. Postadoptive services to support adoptive families.

80 5. Monitor, evaluate, and review the development and
81 quality of local and statewide services and programs for the
82 promotion of adoption, support of adoptive families, and
83 prevention of child abuse and neglect and shall publish and
84 distribute an annual report of its findings on or before January
85 1 of each year to the Governor, the Speaker of the House of
86 Representatives, the President of the Senate, the head of each
87 state agency affected by the report, and the appropriate
88 substantive committees of the Legislature. The report shall
89 include:

90 a. A summary of the activities of the office.

91 b. A summary of the adoption data collected and reported
92 to the federal Adoption and Foster Care Analysis and Reporting
93 System (AFCARS) and the federal Administration for Children and
94 Families.

95 c. A summary of the child abuse prevention data collected
96 and reported to the National Child Abuse and Neglect Data System
97 (NCANDS) and the federal Administration for Children and
98 Families.

99 d. A summary detailing the timeliness of the adoption
100 process for children adopted from within the child welfare
101 system.

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102 e. Recommendations, by state agency, for the further
103 development and improvement of services and programs for the
104 promotion of adoption, support of adoptive families, and
105 prevention of child abuse and neglect.

106 f. Budget requests, adoption promotion and support needs,
107 and child abuse prevention program needs by state agency.

108 6. Work with the direct-support organization established
109 under s. 39.0011 to receive financial assistance.

110 ~~(10)(9)~~ FUNDING AND SUBSEQUENT PLANS.-

111 (b) The office and the other agencies and organizations
112 listed in paragraph (9) (a) ~~(8) (a)~~ shall readdress the state plan
113 and make necessary revisions every 5 years, at a minimum. Such
114 revisions shall be submitted to the Speaker of the House of
115 Representatives and the President of the Senate no later than
116 June 30 of each year divisible by 5. At least biennially, the
117 office shall review the state plan and make any necessary
118 revisions based on changing needs and program evaluation
119 results. An annual progress report shall be submitted to update
120 the state plan in the years between the 5-year intervals. In
121 order to avoid duplication of effort, these required plans may
122 be made a part of or merged with other plans required by either
123 the state or Federal Government, so long as the portions of the
124 other state or Federal Government plan that constitute the state
125 plan for the promotion of adoption, support of adoptive
126 families, and prevention of child abuse, abandonment, and
127 neglect are clearly identified as such and are provided to the
128 Speaker of the House of Representatives and the President of the
129 Senate as required above.

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130 Section 3. Subsections (2), (15), and (67) of section
131 39.01, Florida Statutes, are amended to read:

132 39.01 Definitions.—When used in this chapter, unless the
133 context otherwise requires:

134 (2) "Abuse" means any willful act or threatened act that
135 results in any physical, mental, or sexual abuse, injury, or
136 harm that causes or is likely to cause the child's physical,
137 mental, or emotional health to be significantly impaired. Abuse
138 of a child includes acts or omissions. Corporal discipline of a
139 child by a parent or legal custodian for disciplinary purposes
140 does not in itself constitute abuse when it does not result in
141 harm to the child.

142 (15) "Child who is found to be dependent" means a child
143 who, pursuant to this chapter, is found by the court:

144 (a) To have been abandoned, abused, or neglected by the
145 child's parent or parents or legal custodians;

146 (b) To have been surrendered to the department, the former
147 Department of Health and Rehabilitative Services, or a licensed
148 child-placing agency for purpose of adoption;

149 (c) To have been voluntarily placed with a licensed child-
150 caring agency, a licensed child-placing agency, an adult
151 relative, the department, or the former Department of Health and
152 Rehabilitative Services, after which placement, under the
153 requirements of this chapter, a case plan has expired and the
154 parent or parents or legal custodians have failed to
155 substantially comply with the requirements of the plan;

156 (d) To have been voluntarily placed with a licensed child-
157 placing agency for the purposes of subsequent adoption, and a

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158 parent or parents have signed a consent pursuant to the Florida
159 Rules of Juvenile Procedure;

160 (e) To have no parent or legal custodians capable of
161 providing supervision and care; ~~or~~

162 (f) To be at substantial risk of imminent abuse,
163 abandonment, or neglect by the parent or parents or legal
164 custodians; or

165 (g) To have been sexually exploited and to have no parent,
166 legal custodian, or responsible adult relative currently known
167 and capable of providing the necessary and appropriate
168 supervision and care.

169 (67) "Sexual abuse of a child" for purposes of finding a
170 child to be dependent means one or more of the following acts:

171 (a) Any penetration, however slight, of the vagina or anal
172 opening of one person by the penis of another person, whether or
173 not there is the emission of semen.

174 (b) Any sexual contact between the genitals or anal
175 opening of one person and the mouth or tongue of another person.

176 (c) Any intrusion by one person into the genitals or anal
177 opening of another person, including the use of any object for
178 this purpose, except that this does not include any act intended
179 for a valid medical purpose.

180 (d) The intentional touching of the genitals or intimate
181 parts, including the breasts, genital area, groin, inner thighs,
182 and buttocks, or the clothing covering them, of either the child
183 or the perpetrator, except that this does not include:

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184 1. Any act which may reasonably be construed to be a
185 normal caregiver responsibility, any interaction with, or
186 affection for a child; or

187 2. Any act intended for a valid medical purpose.

188 (e) The intentional masturbation of the perpetrator's
189 genitals in the presence of a child.

190 (f) The intentional exposure of the perpetrator's genitals
191 in the presence of a child, or any other sexual act
192 intentionally perpetrated in the presence of a child, if such
193 exposure or sexual act is for the purpose of sexual arousal or
194 gratification, aggression, degradation, or other similar
195 purpose.

196 (g) The sexual exploitation of a child, which includes the
197 act of a child offering to engage in or engaging in
198 prostitution, provided that the child is not under arrest or is
199 not being prosecuted in a delinquency or criminal proceeding for
200 a violation of any offense in chapter 796 based on such
201 behavior; or allowing, encouraging, or forcing a child to:

202 1. Solicit for or engage in prostitution; ~~or~~

203 2. Engage in a sexual performance, as defined by chapter
204 827; or

205 3. Participate in the trade of sex trafficking as provided
206 in s. 796.035.

207 Section 4. Paragraph (b) of subsection (2) and paragraph
208 (b) of subsection (3) of section 39.401, Florida Statutes, are
209 amended to read:

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210 39.401 Taking a child alleged to be dependent into
211 custody; law enforcement officers and authorized agents of the
212 department.-

213 (2) If the law enforcement officer takes the child into
214 custody, that officer shall:

215 (b) Deliver the child to an authorized agent of the
216 department, stating the facts by reason of which the child was
217 taken into custody and sufficient information to establish
218 probable cause that the child is abandoned, abused, or
219 neglected, or otherwise dependent. For such a child whom there
220 is also probable cause to believe he or she has been sexually
221 exploited, the law enforcement officer shall deliver the child
222 to the department. The department may place the child in an
223 appropriate short-term safe house as provided for in s. 409.1678
224 if a short-term safe house is available.

225

226 For cases involving allegations of abandonment, abuse, or
227 neglect, or other dependency cases, within 3 days after such
228 release or within 3 days after delivering the child to an
229 authorized agent of the department, the law enforcement officer
230 who took the child into custody shall make a full written report
231 to the department.

232 (3) If the child is taken into custody by, or is delivered
233 to, an authorized agent of the department, the agent shall
234 review the facts supporting the removal with an attorney
235 representing the department. The purpose of the review is to
236 determine whether there is probable cause for the filing of a
237 shelter petition.

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238 (b) If the facts are sufficient and the child has not been
239 returned to the custody of the parent or legal custodian, the
240 department shall file the petition and schedule a hearing, and
241 the attorney representing the department shall request that a
242 shelter hearing be held within 24 hours after the removal of the
243 child. While awaiting the shelter hearing, the authorized agent
244 of the department may place the child in licensed shelter care,
245 or in a short-term safe house if the child is a sexually
246 exploited child, or may release the child to a parent or legal
247 custodian or responsible adult relative or the adoptive parent
248 of the child's sibling who shall be given priority consideration
249 over a licensed placement, or a responsible adult approved by
250 the department if this is in the best interests of the child.
251 Placement of a child which is not in a licensed shelter must be
252 preceded by a criminal history records check as required under
253 s. 39.0138. In addition, the department may authorize placement
254 of a housekeeper/homemaker in the home of a child alleged to be
255 dependent until the parent or legal custodian assumes care of
256 the child.

257 Section 5. Section 39.524, Florida Statutes, is created to
258 read:

259 39.524 Safe-harbor placement.-

260 (1) Except as provided in s. 39.407 or s. 985.801, a
261 dependent child 6 years of age or older who has been found to be
262 a victim of sexual exploitation as defined in s. 39.01(67)(g)
263 must be assessed for placement in a safe house as provided in s.
264 409.1678. The assessment shall be conducted by the department or
265 its agent and shall incorporate and address current and

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266 historical information from any law enforcement reports;
267 psychological testing or evaluation that has occurred; current
268 and historical information from the guardian ad litem, if one
269 has been assigned; current and historical information from any
270 current therapist, teacher, or other professional who has
271 knowledge of the child and has worked with the child; and any
272 other information concerning the availability and suitability of
273 safe-house placement. If such placement is determined to be
274 appropriate as a result of this procedure, the child may be
275 placed in a safe house, if one is available. As used in this
276 section, the term "available" as it relates to a placement means
277 a placement that is located within the circuit or that is
278 otherwise reasonably accessible.

279 (2) The results of the assessment described in subsection
280 (1) and the actions taken as a result of the assessment must be
281 included in the next judicial review of the child. At each
282 subsequent judicial review, the court must be advised in writing
283 of the status of the child's placement, with special reference
284 regarding the stability of the placement and the permanency
285 planning for the child.

286 (3) (a) By December 1 of each year, the department shall
287 report to the Legislature on the placement of children in safe
288 houses during the year, including the criteria used to determine
289 the placement of children, the number of children who were
290 evaluated for placement, the number of children who were placed
291 based upon the evaluation, and the number of children who were
292 not placed.

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293 (b) The department shall maintain data specifying the
294 number of children who were referred to a safe house for whom
295 placement was unavailable and the counties in which such
296 placement was unavailable. The department shall include this
297 data in its report under this subsection so that the Legislature
298 may consider this information in developing the General
299 Appropriations Act.

300 Section 6. Section 409.1678, Florida Statutes, is created
301 to read:

302 409.1678 Safe harbor for children who are victims of
303 sexual exploitation.—

304 (1) As used in this section, the term:

305 (a) "Child advocate" means an employee of a short-term
306 safe house who has been trained to work with and advocate for
307 the needs of sexually exploited children. The advocate shall
308 accompany the child to all court appearances, meetings with law
309 enforcement officials, and the state attorney's office and shall
310 serve as a liaison between the short-term safe house and the
311 court.

312 (b) "Safe house" means a living environment that has set
313 aside gender-specific, separate, and distinct living quarters
314 for sexually exploited children who have been adjudicated
315 dependent or delinquent and need to reside in a secure
316 residential facility with staff members awake 24 hours a day. A
317 safe house shall be operated by a licensed family foster home or
318 residential child-caring agency as defined in s. 409.175,
319 including a runaway youth center as defined in s. 409.441. Each
320 facility must be appropriately licensed in this state as a

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321 residential child-caring agency as defined in s. 409.175 and
322 must be accredited by July 1, 2013. A safe house serving
323 children who have been sexually exploited must have available
324 staff or contract personnel who have the clinical expertise,
325 credentials, and training to provide services identified in
326 paragraph (2) (b).

327 (c) "Secure" means that a facility providing services is
328 supervised 24 hours a day by staff members who are awake while
329 on duty.

330 (d) "Sexually exploited child" means a dependent child who
331 has suffered sexual exploitation as defined in s. 39.01(67)(g)
332 and is ineligible for relief and benefits under the federal
333 Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

334 (e) "Short-term safe house" means a shelter operated by a
335 licensed residential child-caring agency as defined in s.
336 409.175, including a runaway youth center as defined in s.
337 409.441, which has set aside gender-specific, separate, and
338 distinct living quarters for sexually exploited children. In
339 addition to shelter, the house shall provide services and care
340 to sexually exploited children, including food, clothing,
341 medical care, counseling, and appropriate crisis-intervention
342 services at the time they are taken into custody by law
343 enforcement officials or department personnel.

344 (2) (a) Notwithstanding any other provision of law,
345 pursuant to rules of the department, each circuit of the
346 department shall address the child welfare service needs of
347 sexually exploited children as a component of the circuit's
348 master plan. This determination shall be made in consultation

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349 with local law enforcement officials, runaway and homeless youth
350 program providers, local probation departments, local community-
351 based care and social services, local guardians ad litem, public
352 defenders, state attorney's offices, and child advocates and
353 services providers who work directly with sexually exploited
354 youth.

355 (b) The lead agency, not-for-profit agency, or local
356 governmental entity providing safe-house services is responsible
357 for security, crisis-intervention services, general counseling
358 and victim-witness counseling, a comprehensive assessment,
359 residential care, transportation, access to behavioral health
360 services, recreational activities, food, clothing, supplies,
361 infant care, and miscellaneous expenses associated with caring
362 for these children; for necessary arrangement for or provision
363 of educational services, including life skills services and
364 planning services for the success transition of residents back
365 to the community; and for ensuring necessary and appropriate
366 health and dental care.

367 (c) This section does not prohibit any provider of these
368 services from appropriately billing Medicaid for services
369 rendered, from contracting with a local school district for
370 educational services, or from obtaining federal or local funding
371 for services provided, as long as two or more funding sources do
372 not pay for the same specific service that has been provided to
373 a child.

374 (d) The lead agency, not-for-profit agency, or local
375 governmental entity providing safe-house services has the legal
376 authority for children served in a safe-house program, as

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377 provided in chapter 39 or this chapter, as appropriate, to
378 enroll the child in school, to sign for a driver license for the
379 child, to cosign loans and insurance for the child, to sign for
380 medical treatment of the child, and to authorize other such
381 activities.

382 (e) All of the services specified in this section may, to
383 the extent possible provided by law and with funding authorized,
384 be available to all sexually exploited children whether they are
385 accessed voluntarily, as a condition of probation, through a
386 diversion program, through a proceeding under chapter 39, or
387 through a referral from a local community-based care or social
388 service agency.

389 (3) The local circuit administrator may, to the extent
390 that funds are available, in conjunction with local law
391 enforcement officials, contract with an appropriate not-for-
392 profit agency having experience working with sexually exploited
393 children to train law enforcement officials who are likely to
394 encounter sexually exploited children in the course of their law
395 enforcement duties on the provisions of this section and how to
396 identify and obtain appropriate services for sexually exploited
397 children. Circuits may work cooperatively to provide such
398 training, and such training may be provided on a regional basis.
399 The department shall assist circuits in obtaining any available
400 funds for the purposes of conducting law enforcement training
401 from the Office of Juvenile Justice and Delinquency Prevention
402 of the United States Department of Justice.

403 (4) The department may adopt rules necessary to administer
404 this section.

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405 Section 7. Section 796.07, Florida Statutes, is amended to
406 read:

407 796.07 Prohibiting prostitution and related acts, ~~etc.;~~
408 ~~evidence; penalties; definitions.~~

409 (1) As used in this section:

410 (a) "Prostitution" means the giving or receiving of the
411 body for sexual activity for hire but excludes sexual activity
412 between spouses.

413 (b) "Lewdness" means any indecent or obscene act.

414 (c) "Assignment" means the making of any appointment or
415 engagement for prostitution or lewdness, or any act in
416 furtherance of such appointment or engagement.

417 (d) "Sexual activity" means oral, anal, or vaginal
418 penetration by, or union with, the sexual organ of another; anal
419 or vaginal penetration of another by any other object; or the
420 handling or fondling of the sexual organ of another for the
421 purpose of masturbation; however, the term does not include acts
422 done for bona fide medical purposes.

423 (2) It is unlawful:

424 (a) To own, establish, maintain, or operate any place,
425 structure, building, or conveyance for the purpose of lewdness,
426 assignment, or prostitution.

427 (b) To offer, or to offer or agree to secure, another for
428 the purpose of prostitution or for any other lewd or indecent
429 act.

430 (c) To receive, or to offer or agree to receive, any
431 person into any place, structure, building, or conveyance for

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432 the purpose of prostitution, lewdness, or assignation, or to
433 permit any person to remain there for such purpose.

434 (d) To direct, take, or transport, or to offer or agree to
435 direct, take, or transport, any person to any place, structure,
436 or building, or to any other person, with knowledge or
437 reasonable cause to believe that the purpose of such directing,
438 taking, or transporting is prostitution, lewdness, or
439 assignation.

440 (e) To offer to commit, or to commit, or to engage in,
441 prostitution, lewdness, or assignation.

442 (f) To solicit, induce, entice, or procure another to
443 commit prostitution, lewdness, or assignation.

444 (g) To reside in, enter, or remain in, any place,
445 structure, or building, or to enter or remain in any conveyance,
446 for the purpose of prostitution, lewdness, or assignation.

447 (h) To aid, abet, or participate in any of the acts or
448 things enumerated in this subsection.

449 (i) To purchase the services of any person engaged in
450 prostitution.

451 (3) (a) In the trial of a person charged with a violation
452 of this section, testimony concerning the reputation of any
453 place, structure, building, or conveyance involved in the
454 charge, testimony concerning the reputation of any person
455 residing in, operating, or frequenting such place, structure,
456 building, or conveyance, and testimony concerning the reputation
457 of the defendant is admissible in evidence in support of the
458 charge.

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459 (b) Notwithstanding any other provision of law, a police
460 officer may testify as an offended party in an action regarding
461 charges filed pursuant to this section.

462 (4) A person who violates any provision of this section
463 commits:

464 (a) A misdemeanor of the second degree for a first
465 violation, punishable as provided in s. 775.082 or s. 775.083.

466 (b) A misdemeanor of the first degree for a second
467 violation, punishable as provided in s. 775.082 or s. 775.083.

468 (c) A felony of the third degree for a third or subsequent
469 violation, punishable as provided in s. 775.082, s. 775.083, or
470 s. 775.084.

471 (5) A person who is charged with a third or subsequent
472 violation of this section shall be offered admission to a
473 pretrial intervention program or a substance-abuse treatment
474 program as provided in s. 948.08.

475 (6) A person who violates paragraph (2)(f) shall be
476 assessed a civil penalty of \$5,000 ~~\$500~~ if the violation results
477 in any judicial disposition other than acquittal or dismissal.
478 Of the proceeds from each penalty penalties assessed under this
479 subsection, the first \$500 shall be paid to the circuit court
480 administrator for the sole purpose of paying the administrative
481 costs of treatment-based drug court programs provided under s.
482 397.334. The remainder of the fine collected shall be deposited
483 to the Operations and Maintenance Trust Fund at the Department
484 of Children and Family Services for the sole purpose of funding
485 safe houses and short-term safe houses as provided in s.
486 409.1678.

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487 Section 8. Section 960.065, Florida Statutes, is amended
488 to read:

489 960.065 Eligibility for awards.—

490 (1) Except as provided in subsection (2), the following
491 persons shall be eligible for awards pursuant to this chapter:

492 (a) A victim.

493 (b) An intervenor.

494 (c) A surviving spouse, parent or guardian, sibling, or
495 child of a deceased victim or intervenor.

496 (d) Any other person who is dependent for his or her
497 principal support upon a deceased victim or intervenor.

498 (2) Any claim filed by or on behalf of a person who:

499 (a) Committed or aided in the commission of the crime upon
500 which the claim for compensation was based;

501 (b) Was engaged in an unlawful activity at the time of the
502 crime upon which the claim for compensation is based;

503 (c) Was in custody or confined, regardless of conviction,
504 in a county or municipal detention facility, a state or federal
505 correctional facility, or a juvenile detention or commitment
506 facility at the time of the crime upon which the claim for
507 compensation is based;

508 (d) Has been adjudicated as a habitual felony offender,
509 habitual violent offender, or violent career criminal under s.
510 775.084; or

511 (e) Has been adjudicated guilty of a forcible felony
512 offense as described in s. 776.08,

513

514 is ineligible ~~shall not be eligible~~ for an award.

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515 (3) Any claim filed by or on behalf of a person who was in
516 custody or confined, regardless of adjudication, in a county or
517 municipal facility, a state or federal correctional facility, or
518 a juvenile detention, commitment, or assessment facility at the
519 time of the crime upon which the claim is based, who has been
520 adjudicated as a habitual felony offender under s. 775.084, or
521 who has been adjudicated guilty of a forcible felony offense as
522 described in s. 776.08, renders the person ineligible ~~shall not~~
523 ~~be eligible~~ for an award. Notwithstanding the foregoing, upon a
524 finding by the Crime Victims' Services Office of the existence
525 of mitigating or special circumstances that would render such a
526 disqualification unjust, an award may be approved. A decision
527 that mitigating or special circumstances do not exist in a case
528 subject to this section does ~~shall~~ not constitute final agency
529 action subject to review pursuant to ss. 120.569 and 120.57.

530 (4) Payment may not be made under this chapter if the
531 person who committed the crime upon which the claim is based
532 will receive any direct or indirect financial benefit from such
533 payment, unless such benefit is minimal or inconsequential.
534 Payment may not be denied based on the victim's familial
535 relationship to the offender or based upon the sharing of a
536 residence by the victim and offender, except to prevent unjust
537 enrichment of the offender.

538 (5) A person is not ineligible for an award pursuant to
539 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that
540 person is a victim of sexual exploitation of a child as defined
541 in s. 39.01(67) (g).

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542 Section 9. Paragraph (b) of subsection (2) of section
543 985.115, Florida Statutes, is amended to read:

544 985.115 Release or delivery from custody.—

545 (2) Unless otherwise ordered by the court under s. 985.255
546 or s. 985.26, and unless there is a need to hold the child, a
547 person taking a child into custody shall attempt to release the
548 child as follows:

549 (b) Contingent upon specific appropriation, to a shelter
550 approved by the department or to an authorized agent or short-
551 term safe house under s. 39.401(2) (b).

552 Section 10. This act shall take effect January 1, 2013.

553

554

T I T L E A M E N D M E N T

555
556 Remove the entire title and insert:

557 A bill to be entitled

558 An act relating to sexual exploitation; providing a short title;
559 amending s. 39.001, F.S.; providing legislative intent and
560 goals; conforming cross-references; amending s. 39.01, F.S.;
561 revising the definitions of the terms "abuse," "child who is
562 found to be dependent," and "sexual abuse of a child"; amending
563 s. 39.401, F.S.; authorizing delivery of children alleged to be
564 dependent and sexually exploited to short-term safe houses;
565 creating s. 39.524, F.S.; requiring assessment of certain
566 children for placement in a safe house; providing for use of
567 such assessments; providing requirements for safe houses
568 receiving such children; requiring an annual report concerning
569 safe-house placements; creating s. 409.1678, F.S.; providing

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 99 (2012)

Amendment No. 1

570 definitions; requiring circuits of the Department of Children
571 and Family Services to address child welfare service needs of
572 sexually exploited children as a component of their master
573 plans; providing duties, responsibilities, and requirements for
574 safe houses and their operators; providing for training for law
575 enforcement officials who are likely to encounter sexually
576 exploited children; authorizing the Department of Children and
577 Family Services to adopt rules; amending s. 796.07, F.S.;

578 providing for an increased civil penalty for soliciting another
579 to commit prostitution or related acts; providing for the
580 disposition of proceeds; amending s. 960.065, F.S.; allowing
581 victim compensation for sexually exploited children; amending s.
582 985.115, F.S.; conforming a provision to changes made by the
583 act; providing an effective date.